

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

GARY WEBSTER, et al.,	)	
	)	
Plaintiffs,	)	
	)	No. 4:14-cv-00349-BCW
v.	)	No. 4:14-cv-00509-BCW
	)	
KANSAS CITY SOUTHERN, et al.,	)	
	)	
Defendants.	)	

**STIPULATION OF DISMISSAL**  
**PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties who have appeared in this action hereby stipulate to the voluntary dismissal of this action, with prejudice, and state as follows:

1. On April 16, 2014, plaintiff Gary Webster (“Webster”) filed a shareholder derivative action against Nominal Defendant Kansas City Southern and Individual Defendants David L. Starling, David R. Ebbrecht, Patrick J. Ottensmeyer, Michael W. Upchurch, Lu M. Cordova, Henry R. Davis, Robert J. Druten, Terrence P. Dunn, Antonio O. Garza, Jr., Michael R. Haverty, Thomas A. McDonnell, and Rodney E. Slater (collectively, “Defendants”). (No. 14-349, Dkt. No. 1.)

2. On June 6, 2014, Plaintiff Bruce Lerner (“Lerner”) filed a separate related shareholder derivative action against the same Defendants. (No. 14-509, Dkt. No. 1.)

3. On October 29, 2014, the Court issued an Order consolidating the two related shareholder derivative actions and appointed Johnson & Weaver, LLP and Robbins Arroyo, LLP

as lead counsel for Webster and Lerner (collectively, “Plaintiffs”) and Dollar, Burns & Becker LC as liaison counsel for Plaintiffs. (14-349, Dkt. No. 29.)

4. On October 29, 2014, the Court issued an Order granting the parties’ Corrected Agreed Motion for Approval of Joint Stipulation Temporarily Deferring Prosecution of Derivative Litigation. (14-349, Dkt. No. 30.)

5. On May 11, 2015, Lead Plaintiffs in a related securities class action pending in the Western District of Missouri filed a stipulation of dismissal pursuant to Rules 23(d) and 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. (*See Gross v. Kansas City Southern, et al.*, 4:14-cv-00345-BCW, Dkt. No. 52.)

6. Plaintiffs seek voluntary dismissal of their derivative claims only, with prejudice, but without an accompanying settlement of the derivative claims.

7. There has been no collusion between the parties, and Plaintiffs have not sought or received from any Defendant any consideration or payment of any kind for the dismissal of their claims.

8. As part of this stipulation of dismissal, each party has agreed to bear its or his own costs and expenses.

WHEREFORE, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, and through the endorsements of their counsel below, Plaintiffs and Defendants hereby stipulate to the voluntary dismissal of this action, with prejudice, in accordance with the terms outlined herein.

**DOLLAR, BURNS & BECKER**

*/s/ Thomas Hershewe*

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*/s/ Jeffrey J. Simon*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 11, 2015, I authorized the electronically filed of the foregoing with the Clerk of Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

/s/ Jeffrey J. Simon

JEFFREY J. SIMON (MO #35558)